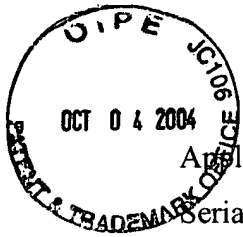


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PATENT

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Rahal  
Serial No.: 09/935,966  
Filed: August 23, 2001  
For: Methods for Preventing or Treating West Nile Virus and Other Infections  
Customer No.:

Examiner: Winkler, Ulrike  
Group Art Unit: 1648

**23719**

PATENT TRADEMARK OFFICE

Kalow & Springut LLP  
488 Madison Avenue, 19th Floor  
New York, New York 10022

September 30, 2004

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

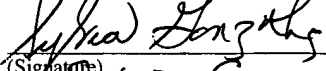
**NOTICE OF APPEAL**

SIR:

Applicant by his attorneys hereby appeals to the Board of Patent Appeals and Interferences from the decision of the Examiner in the Final Office Action dated June 1, 2004 finally rejecting claims 5-9 and 17-24, inclusive, of the application identified above. A one-month extension of time is enclosed. Pursuant to a petition for an extension of time submitted with this notice, the time set to file an Appeal Brief will be set when this notice is received at the United States Patent Office.

**Certificate of Mailing Under 37 C.F.R. 1.8**

I hereby certify that this correspondence is being deposited on the date shown below with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
(Signature)  
Sylvia Gonzalez  
(Printed Name of Person Signing Certificate)  
September 30-2004  
(Date)

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165.00 III

Applicant: Rahal  
U.S. Serial No.: 09/935,966  
Notice of Appeal  
Page 2

A check is enclosed in the amount of \$165.00 for the required official fee. Please charge any deficiency in the payment submitted for at the required fee, or credit any overpayment, to Deposit Account No. 11-0171.

Respectfully submitted,



William D. Schmidt  
Registration No.: 39,492  
Attorney for Applicant

Kalow & Springut LLP  
(212)813-1600